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PATENT & TRADEMARK OFFICE

Atty. Docket 2004-1018
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Wouter Cornelis PUIJK et al.

Confirmation No. 9985

Serial No. 09/831,757

GROUP 1639

Filed August 21, 2001

Examiner: P. Ponnaluri

METHOD FOR DETERMINING A MIMOTOPE SEQUENCE

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RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the determination of lack of unity set forth in the Official Action of March 5, 2003, applicants hereby provisionally elect Group I, claims 1-11, drawn to a method of determining a mimotope sequence for a receptor, with traverse.

As for the election of species requirement imposed in the Official Action, applicants provisionally elect building blocks chosen from amino acids, with traverse. It is believed that all claims read on the elected species.

The grounds for traverse are as follows:

As the Examiner is aware, restriction is proper only when the inventions are independent or distinct as claimed and there is a serious burden on the Examiner prior to the restriction requirement. It is believed that the outstanding Official Action fails to meet its burden in showing that the

inventions are independent or distinct as claimed, or that an examination on the merits of all the pending claims places a serious burden on the Examiner.

Applicants note that the claimed invention of the present national stage application was subject to examination during the international phase of the PCT application. The International Examiner found no lack of unity, applying the same legal standards to the identical facts. Thus, applicants believe that the U.S. Patent Office cannot now contend the examination of the pending claims in the present application would pose an undue searching burden. Indeed, the U.S. Examiner has the considerable benefit of the search results generated by the international Examiner, on the basis of all twelve pending claims.

Moreover, the Official Action does not explain why, applying the identical legal standards to the identical claims, the opposite result is now being reached in the present U.S. national phase application, relative to the international application.

In light of the above discussion, therefore, it is believed that the applicants are entitled to an action on the

merits for all pending claims 1-12, in their full scope. Such action is accordingly respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

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April 1, 2003